

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
STATE OF NEW YORK,

Plaintiff,

-v-

ARM OR ALLY, LLC, et al.,

Defendants.
-----X

22-CV-6124 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

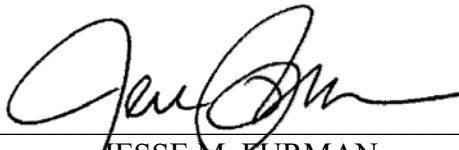
On February 5, 2023, counsel for Indie Guns, LLC, Waugh Grant, PLLC, filed a motion to withdraw as Defendant's counsel. *See* ECF No. 119. Plaintiff did not oppose the motion but did file a letter with respect to certain potentially relevant issues. *See* ECF No. 129.

In evaluating whether to grant a motion to withdraw as counsel, the Court must consider not only the reasons for the withdrawal, but also “the posture of the case and whether the prosecution of the suit is likely to be disrupted by the withdrawal of counsel.” *Winkfield v. Kirschenbaum & Phillips, P.C.*, No. 12-CV-7424 (JMF), 2013 WL 371673, at *1 (S.D.N.Y. Jan. 29, 2013) (cleaned up). Here, Waugh Grant, PLLC delayed withdrawal in this case — notwithstanding its prior withdrawal from 22-CV-5525 for ostensibly the same reason — until Defendants filed their motions to dismiss, undermining any suggestion that counsel needs to withdraw immediately. Moreover, since Waugh Grant, PLLC filed its motion, there have been two material developments: the Court extended the opposition deadline for the preliminary injunction motion, ECF No. 134, and the Court authorized limited discovery as to Indie Guns, ECF No. 132. Accordingly, the Court concludes that allowing Waugh Grant, PLLC to withdraw at this time would likely disrupt prosecution of this case. Thus, the Court DENIES the motion to withdraw without prejudice to renewal after the limited discovery has been completed. Alternatively, if counsel believes there is a need to withdraw before then, counsel may renew the motion sooner, accompanied by an *in camera* declaration explaining why and elaborating on the purportedly irreconcilable conflict between counsel and client.

The Clerk of Court is directed to terminate ECF No. 119.

SO ORDERED.

Dated: February 23, 2023
New York, New York



JESSE M. FURMAN
United States District Judge